

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KENESTO, INC. (formerly PLMPLUS, INC.),)	
)	
Plaintiff,)	
v.)	C.A. No. 1:11-cv-11952-DPW
)	
GUY ALROY,)	
Defendant.)	

DEFENDANT’S MOTION TO DISMISS PLAINTIFF’S AMENDED COMPLAINT

The defendant, Mr. Guy Alroy (“Alroy”), a citizen and resident of Rosh Ha’ayin, Israel, respectfully moves this Court for an order dismissing the plaintiff’s amended complaint under Rules 12(b)(2) and 12(b)(6) of the Federal Rules of Civil Procedure, as well as under the doctrine of forum non-conveniens. The plaintiff’s lawsuit amounts to a retaliatory filing against Alroy in response to a parallel legal proceeding he previously initiated against the plaintiff in Israel.

As set forth in Alroy’s supporting Memorandum of Law and accompanying Declarations, the factual assertions and specific claims alleged against Alroy in this action occurred in Israel and were not directed toward Massachusetts. Accordingly, this Court lacks personal jurisdiction over Alroy, and the relevant analyses under the doctrine of forum non-conveniens and

mandatory forum selection clause in the parties' contractual agreement weigh in favor of dismissal.

Respectfully submitted,

GUY ALROY,
By his attorney,

/s/ Matthew P. Horvitz

Matthew P. Horvitz

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Dated: March 1, 2012

CERTIFICATE OF SERVICE

I hereby certify that on March 1, 2012, I electronically filed the foregoing with the Clerk's Office using the Court's CM/ECF system, which will send notification of this filing (NEF) to all registered participants

/s/ Matthew P. Horvitz

Matthew P. Horvitz

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